

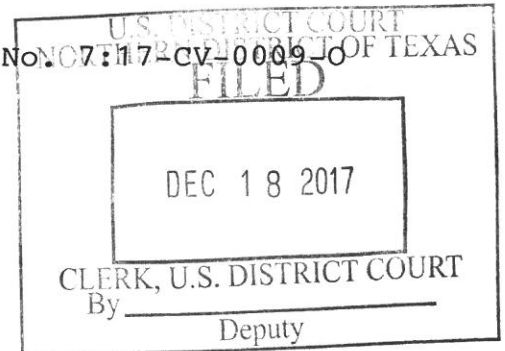
IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION

Rhonda Fleming, et al.,)
Plaintiffs,)

v.)

United States of America,)
et al.,)
Defendants)

Civil No. 07:17-cv-00009-O



VERIFIED CLAIMS FOR WHICH INTERVENTION IS SOUGHT

Plaintiff-Intervenors Theresa Martinez and Leslie Garrison bring their claims against the United States of America and named officials in their official and individual capacities.

Theresa Martinez (Reg. no. 68361-380) is a twenty-four year-old Hispanic female currently incarcerated at Federal Medical Center ("FMC") Carswell, Fort Worth Texas, with approximately one (1) year remaining on her federal sentence.

Leslie Garrison (Reg. no. 54154-177) is a thirty-six year-old Caucasian female currently incarcerated at FMC Carswell, Fort Worth, Texas, serving a twelve (12) year federal sentence.

Plaintiffs-Intervenors have been specifically harmed and their Fourth, Fifth, and Eighth Amendment rights violated by the following actions of the Defendants.

Claims

1. From on or about October 12, 2017 through October 20, 2017, Leslie Garrison was forced to reside in the Special Housing Unit ("SHU") with a male inmate, Linda Thompson.

2. The SHU is a housing unit where inmates are securely separated from the general population. The SHU cells generally hold four (4) inmates per cell. The shower is inside of the cell with only a cloth shower curtain to separate the shower from the rest of the cell. The toilet is in the cell with no enclosure or curtain. During the exchange for clean clothing, the SHU inmates must strip down to bra and mesh SHU-panties to pass their dirty clothing through a trap in the door and receive clean clothing. There is no privacy or changing area and this must be done in full view of the other SHU cellmates.

3. From October 12, 2017 through October 20, 2017, Leslie Garrison was housed alone in a SHU cell with biological male Linda Thompson. Thompson stated that he "loves beautiful women" and that since he identifies as female he considers himself a lesbian because he still likes women.

4. Ms. Garrison suffered humiliation in being forced to shower, undress, and use the toilet in full view of this man.

5. Ms. Garrison believes this treatment of her violated her right against cruel and unusual punishment and shocks the conscience.

6. From on or about December 1, 2017 through December 13, 2017, Theresa Martinez was forced to reside in the Special

Housing Unit alone with the male inmate Linda Thompson. While housed in this secure cell, Thompson stated that he loves beautiful women and was now a lesbian.

7. Ms. Martinez suffered humiliation in being forced to shower, undress, and use the toilet in full view of this man.

8. Ms. Martinez believes this treatment of her violated her right against cruel and unusual punishment and shocks the conscience.

9. Ms. Garrison and Ms. Martinez seek Declaratory Judgment that the regulations of the BOP are violative of the U.S. Constitution, facially and as applied, because they infringe on their rights to bodily privacy and freedom from cruel and unusual punishment, and further declare such regulations are null and void.

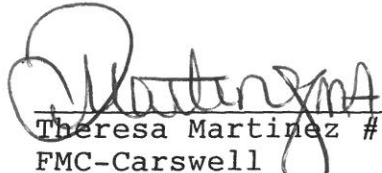
10. Ms. Garrison and Ms. Martinez seek preliminary and injunctive relief removing the biological males from the prison and forbidding the Defendants from housing male sex inmates with females.


11. Ms. Garrison and Ms. Martinez seek injunctive relief forbidding the Defendants from transferring them away from FMC Carswell as this is their home region.

12. Ms. Martinez and Ms. Garrison seek \$25,000 each for past mental anguish; punitive damages at the highest rate allowed by law; nominal damages of \$10 each; reasonable and necessary attorney's fees and costs; and such other relief as is just and equitable.

Respectfully submitted:



12/15/17
Date


Theresa Martinez # 68361-380
FMC-Carswell
P.O. Box 27137
Fort Worth, TX 76127


Leslie Garrison # 54154-177
FMC-Carswell
P.O. Box 27137
Fort Worth, TX 76127

Certificate of Service

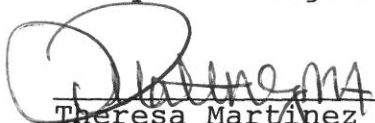
According to Local Rule and the Federal Rules of Civil Procedure this pro se^{*} pleading is served on all counsel of record when electronically filed in the CM/ECF filing system by the Clerk of Court.


Theresa Martinez

Leslie Garrison

Verification

I hereby swear, under penalty of perjury, that the foregoing facts are true to the best of my knowledge and ability.

12/15/17
Date


Theresa Martinez

12/15/17
Date


Leslie Garrison

* Pleadings filed with the help of
an incarcerated attorney